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FILED
DISTRICT COURT OF GUAM

SFP 21 2006

**MARY L.M. MORAN
CLERK OF COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

11 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 05-00011
12 Plaintiff,)
13 vs.) GOVERNMENT'S MOTION
14) FOR A DOWNWARD DEPARTURE
15) UNDER USSG § 5K1.1 AND
16 PAUL A.I. MENDIOLA,) 18 U.S.C. § 3553(e)
17 Defendant.)

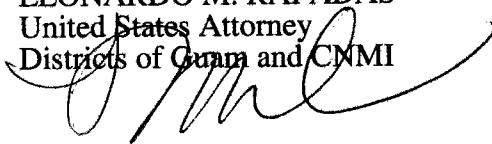
19 The United States moves for a substantial assistance downward departure to Level 26 based
20 upon the substantial assistance the defendant has provided to the Drug Enforcement Administration
21 and the U.S. Postal Service.

Upon his arrest on February 1, 2005, the defendant agreed to make a recorded telephone call to his source of drugs - his brother in Las Vegas, Nevada, which recorded incriminating conversations concerning the offense. The defendant's brother, Albert Mendiola, was indicted as well in the instant case and subsequently arrested in Las Vegas on February 17, 2005. Albert Mendiola also pleaded guilty and did not contest the administrative seizure of \$25,950 in U.S. currency that was seized as drug proceeds in connection with his arrest.

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1 For all these reasons, a downward departure to Level 26 which yields an advisory range of
2 63 to 78 months under Criminal History Category I is appropriate and the government will
3 recommend a sentence of 63 months under said range.

4 RESPECTFULLY SUBMITTED this 21st day of September 2006.

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7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and CNMI


10 By:

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